

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : G. CONNOR

Serial No. : NOT YET ASSIGNED

Art Unit: NOT YET ASSIGNED

Filed : January 23, 2004

Examiner: NOT YET ASSIGNED

For : COMBINATION THERAPY COMPRISING ANTI-DIABETIC AND  
ANTICONVULSANT AGENTS

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January 23, 2004

(Date of Deposit)

MARY A. APPOLLINA

(Name of applicant, assignee, or Registered Representative)

  
(Signature)

JANUARY 23, 2004

(Date of Signature)

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith with the exception of J. Marks, the Insulin Resistance Syndrome, The Monitor, 1(3), Spring 1996, which was cited by the Office in the parent application 10/042,425 filed October 25, 2001, relied on for an earlier effective filing date under 35 U.S.C. §120.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a) (2) (i)).

☒ There are no listed references which are not in the English language.

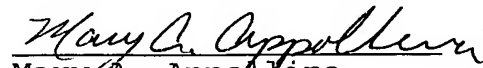
☐ The relevance of those listed references which are not in the English language is as follows:

☒ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ORT-1520-USA-CNT/MAA. This form is submitted in triplicate.

Respectfully submitted,

  
Mary A. Appollina  
Reg. No. 34,087  
Attorney for Applicants

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DATED: January 23, 2004

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 2

<b>Application Number</b>	NOT YET ASSIGNED
<b>Filing Date</b>	JANUARY 23, 2004
<b>First Named Inventor</b>	G. CONNOR
<b>Group Art Unit</b>	NOT YET ASSIGNED
<b>Examiner Name</b>	NOT YET ASSIGNED
<b>Attorney Docket Number</b>	ORT-1520-USA-CNT

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,513,006		Maryanoff et al	04/23/1985	
		5,242,942		Costanzo et al	009/07/1993	
		5,384,327		Costanzo et al	01/24/1995	
		5,387,700		Maryanoff et al	02/07/1995	
		6,071,537		Shank	06/06/2000	
		6,130,216		Antonucci et al	10/10/2000	
		6,191,163	B1	Cottrell	02/20/2001	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup>				
		WO	99/44581	A2	Ortho-McNeil Pharmaceutical, Inc.	09/10/1999		
		WO	00/50020	A2	University of Cincinnati	08/31/2000		
		WO	00/59506	A1	Bristol Myers Squibb Co.	10/12/2000		
		WO	00/61139	A1	Ortho-McNeil Pharmaceutical, Inc.	10/19/2000		
		WO	00/61140	A1	Ortho-McNeil Pharmaceutical, Inc.	10/19/2000		
		WO	00/76493	A1	Najarian	12/21/2000		
		WO	01/27128	A1	Bristol Myers Squibb Co.	04/19/2001		

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

<b>Application Number</b>	NOT YET ASSIGNED
<b>Filing Date</b>	JANUARY 23, 2004
<b>First Named Inventor</b>	G. CONNOR
<b>Group Art Unit</b>	NOT YET ASSIGNED
<b>Examiner Name</b>	NOT YET ASSIGNED
<b>Attorney Docket Number</b>	ORT-1520-USA-CNT

## OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

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